C.J.'s Court

Civil Misc. Writ Petition No. 845 (S/S) of 2001

State of Uttaranchal
and one another …….. Petitioners

Versus

State Public Service Tribunal,
and one another …… Respondents.

…….

Hon' A.A. Desai, C.J.
Hon. Irshad Hussain, J.

The respondent no.2 was employed as Constable in the Public Department. He was dismissed by way of disciplinary action since he was unauthorisedly absent from duty in 1992. He challenged his dismissal before the Service Tribunal. The Tribunal set aside his dismissal and directed the petitioner-State to reinstate the respondent employee. However, liberty was granted to the department to pass fresh orders in accordance with law. Against this order, the State has filed the instant writ petition.

We heard learned counsel for the parties.

Having regard to the nature of misconduct, we feel that to meet the ends of justice, it would be expedient to reinstate the respondent employees without back wages for the period from the date of his dismissal till his actual reinstatement.

According to us, the denial of back wages for the said period would be a just punishment having regard to the nature of misconduct. We, therefore, direct the petitioner-State to reinstate the respondent employee within a period of four weeks from today. With this, the petition is disposed of.

S/d

Dt. 15.04.2002
A